



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 W. JACKSON BLVD

CHICAGO, IL 60604

US EPA RECORDS CENTER REGION 5



475484

MEMORANDUM

SUBJECT: Request for a Time-Critical Removal Action at the Russell Stewart Drums Site, Claridon Township, Geauga County, Ohio (Site ID # C52M)

FROM: James E. Augustyn, On-Scene Coordinator
Emergency Response Section 1

THRU: Jason H. El-Zein, Chief
Emergency Response Branch 1

TO: Richard C. Karl, Director
Superfund Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document your approval to expend up to \$185,868 to conduct a time-critical removal action to abate an imminent and substantial threat to public health, welfare, and the environment posed by the Russell Stewart Drums Site (the Site) located at 11746 Kile Road, Claridon Township, Geauga County, Ohio 44033.

The proposed removal actions in this memorandum are necessary to mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous waste in drums, totes, and an aboveground tank on the property.

This removal action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(a)(1), and 40 C.F.R. § 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.415, to abate or eliminate the immediate threats posed to public health and/or the environment.

There are no nationally significant or precedent setting issues associated with the Russell Stewart Drums Site and the Site is not on the National Priorities List (NPL). The removal will require approximately 10 on-site days to complete.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: OHN000504562

RCRA ID: NA
State ID: None
Category: Time-Critical Removal Action

A. Site Description

The Russell Stewart Drums Site is a residential property located at 11746 Kile Road, Claridon Township, Geauga County, Ohio. Approximately 175 55-gallon drums, 11 totes and numerous smaller containers, many of which contain oils and hazardous wastes, are improperly stored behind the residence at the rear of the property. Hazardous waste labels are affixed to many of the drums. Visible spillage has been observed in the area of the drums.

1. Removal site evaluation

On April 4, 2014, U.S. EPA and Ohio EPA representatives conducted a walkthrough at the Site. The U.S. EPA On-Scene Coordinator (OSC) conducted a visual assessment of Site conditions as Ohio EPA personnel collected drum samples and inventoried the drums and totes on the property.

Hazardous waste labels, as well as flammable and corrosive labels were visible on many of the containers, some of which were leaking or had leaked onto the ground. Ohio EPA's analytical results of a random sample of the containers confirmed hazardous waste is being improperly stored on the property.

2. Physical location

The Russell Stewart Drums Site is located at 11746 Kile Road, Claridon Township, Geauga County, Ohio, 44033. The geographical coordinates for the Site are 41° 33' 9" N latitude and 81° 06' 8" W longitude. The Site is located in a rural, residential area.

An Environmental Justice (EJ) analysis for the Site was conducted. Screening of the surrounding area used Region 5's EJ Screen Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT). Region 5 has reviewed environmental and demographic data for the area surrounding the Site and determined there is a low potential for EJ concerns at this location.

3. Site characteristics

The Site is an occupied residential property. The Site is bordered to the north and south by neighboring residential properties within ¼ mile. County Road 44 lies to the east and a large wooded area to the west. Approximately 175 55-gallon drums, 11 totes and numerous smaller containers, many of which contain oils and hazardous wastes, are improperly stored at the rear of the property.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

A release or threat of release of hazardous substances, pollutants, or contaminants is present at the Site. Ohio EPA's analytical results have documented the presence of hazardous waste on the property. Signs of spillage have been observed in the area where drums are stored.

5. NPL status

The Site is not on the NPL and has not been proposed for listing on the NPL. The Site has not received a Hazard Ranking Score and is not being referred to the NPL Site Assessment program.

6. Maps, pictures and other graphic representations

See Photo Log Attachment II.

B. Other Actions to Date

1. Previous actions

On April 4, 2014, the Ohio EPA collected environmental samples and inventoried the abandoned waste on the Site. Analytical data confirms many of the drums contain hazardous waste. In addition, a contractor for the Ohio EPA removed crystallized hydrocyanic acid from the property for proper disposal.

On April 17, 2014, investigators and regulatory personnel met with Mr. Russell Stewart at the Site. Mr. Stewart provided information relative to the drums and containers, including how the drums came to be placed on the property and the identity of generators.

2. Current actions

There are no current actions underway by Ohio EPA or the County.

C. State and Local Authorities' Roles

1. State and local actions to date

On April 4, 2014, Ohio EPA collected environmental samples and provided analytical data packages to the U.S. EPA confirming the presence of hazardous waste on the Site. In addition, a contractor for the Ohio EPA removed and disposed of several containers of crystallized hydrocyanic acid from the Site.

2. Potential for continued State/local response

Ohio EPA will continue to support U.S. EPA with the characterization of waste and provide technical support to the potential responsible parties to ensure proper disposal of all waste at the Site.

III. THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Russell Stewart Drums Site present an imminent and substantial threat to the public health, or welfare, and the environment and meet the criteria for a time-critical removal action set forth in 40 CFR 300.415(b)(2) of the NCP. These criteria include, but are not limited to, the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

Hazardous substances and/or pollutants or contaminants may be released at the Site from abandoned and leaking drums and containers. The containers were found in an uncontrolled state. Hazardous waste, flammable, and corrosive labels are visible on many of the containers. There are occupied residences within 200 feet of the improper waste storage area. Hazardous waste on the property include Trichloroethene, Tetrachloroethene, Methyl Ethyl Ketone, Cyanide, and Cadmium, all of which are considered hazardous substances under CERCLA § 101(14). In addition, corrosive and flammable wastes are present on the Site.

Hazardous substances or pollutants or contaminants in drums barrels, tanks, or other bulk storage containers, that may pose a threat of release;

Approximately 175 55-gallon drums, 11 totes and numerous smaller containers of oils and hazardous wastes are improperly stored at the Site and pose a threat of release. Hazardous waste, flammable, and corrosive labels were visible on many of the containers. Drums may be deteriorating and leaking their contents onto the ground. Spillage of waste in the drum area has been observed.

Threat of fire or explosion;

Ohio EPA's analytical data confirmed the presence of flammable liquids in drums and containers at the Site. The residents have a burn pile in close proximity to the drum storage area. Mr. Stewart indicated the family routinely burns their trash at the burn pile. Sparks or flames from the burn pile could easily ignite flammable waste at the Site.

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Due to the open access of the Site, rain or other weather conditions could possibly spread the spilled material into nearby drainage ditches. Seasonal conditions of northeast Ohio (freeze and

thaw in the winter and extreme heat in the summer) could accelerate the deterioration of the containers.

The availability of other appropriate Federal or state response mechanisms to respond to the release;

The Ohio EPA requested U.S. EPA's assistance in mitigating the potential threats at the Site.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known and suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on the Site which may pose an imminent and substantial endangerment to public health, or welfare, or the environment.

Proposed removal activities on Site will include:

- a) Development and implementation of a Site Health and Safety Plan and a Site Spill Contingency Plan;
- b) Secure, sample, stage, characterize and consolidate all flammable, caustic and hazardous waste;
- c) Excavate and containerize any spilled material from the ground;
- d) Disposal of all waste in accordance with U.S. EPA's Off-Site Rule. All hazardous substances and/or pollutants or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal will be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 C.F.R. § 300.440.
- e) Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant that the U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

This removal action will be conducted in a manner not inconsistent with the NCP. It is anticipated that some activities described above may be completed by one or more responsible parties pursuant to an Administrative Order on Consent (AOC).

The estimated costs to complete the activities outlined above are summarized below. These activities will require an estimated 10 on-site working days to complete. Detailed cleanup contractor costs are presented in Attachment II.

2. Contribution to remedial performance

The proposed removal actions will not impede future actions based on available information. No long-term remedial actions are anticipated for the Site. The threats posed by the abandoned hazardous waste meet the criteria listed in Section 300.415(b) (2) of the NCP and the response actions proposed are consistent with any potential long-term remedial actions which may be required.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. However, elimination of all hazardous substances, pollutants and contaminants that pose a substantial threat of release is likely to reduce the need for any long-term remedial actions.

3. Engineering Evaluation/Cost Analysis (EE/CA)

None

4. Applicable or relevant and appropriate requirements (ARARs)

EPA will comply with all applicable, relevant, and appropriate requirements (ARARs) of Federal and State law to the extent practicable considering the exigencies of the circumstances.

Federal

RCRA Subtitle C

State

The OSCs sent a letter on May 30, 2014, to Mr. Frank Zingales at Ohio EPA requesting the identification of any applicable state ARARs.

5. Project schedule

The removal activities are expected to take 10 on-site working days to complete.

B. Estimated Costs

The detailed cleanup contractor cost is presented in Attachment III and the Independent Government Cost Estimate is presented in Attachment IV. Estimated project costs are summarized below:

REMOVAL ACTION PROJECT CEILING ESTIMATE	
<u>Extramural Costs:</u>	
<u>Regional Removal Allowance Costs:</u>	
Total Cleanup Contractor Costs (This cost category includes estimates for ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with Other Federal Agencies. Include a 20% contingency)	\$ 130,765
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>	
Total START, including multiplier costs	\$ 24,125
Total Decontamination, Analytical & Tech. Services (DATS)	\$ 0
Total CLP	\$ 0
Subtotal	\$ 24,125
Subtotal Extramural Costs	\$ 154,890
Extramural Costs Contingency (20% of Subtotal, Extramural Costs rounded to nearest thousand)	\$ 30,978
TOTAL REMOVAL ACTION PROJECT CEILING	\$185,868

The response actions described in this memorandum directly address the actual or threatened release of hazardous substances, pollutants, or contaminants at the Site which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Section II, III, and IV above, actual or threatened releases of hazardous substances and pollutants or contaminants from this Site, if not addressed by implementing or delaying the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment, increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Confidential Enforcement Addendum.

The total U.S. EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$329,819.¹

$$(\$185,868 + \$25,000) + (56.41\% \times \$210,868) = \$329,819$$

IX. RECOMMENDATION

This decision document represents the selected removal action for the Russell Stewart Drums Site, located at 11746 Kile Road, Claridon Township, Geauga County, Ohio. It was developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based upon the Administrative Record for the Site (Attachment I). Conditions at the Site meet the NCP Section 300.415(b) (2) criteria for a removal action and I recommend your approval of the removal action.

The total removal action project ceiling, if approved, will be \$185,868. Of this, as much as \$161,743 may come from the Regional removal allowance.

APPROVE  DATE: 7-14-14
Director, Superfund Division

DISAPPROVE _____ DATE: _____
Director, Superfund Division

Enforcement Addendum

¹ Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

Attachments:

- I. Administrative Record Index
- II. Site Photo Log
- III. Detailed Cleanup Contractor Cost Estimate
- IV. Independent Government Cost Estimate

cc: Sherry Fielding, U.S. EPA, 5104A, (email: Sherry Fielding/DC/USEPA/US)
Valencia Darby, U.S. Department of Interior, **w/o Enf. Addendum**
(Email: valencia_darby@ios.doi.gov)
Lindy Nelson, U.S. DOI, **w/o Enf. Addendum**
(Email: lindy_nelson@ios.doi.gov)
Craig Butler, Director, Ohio EPA **w/o Enf. Addendum**
(Email: craig.butler@epa.state.oh.us)
Mike DeWine, IDEM **w/o Enf. Addendum**
(Email: Mike.DeWine@ohioattorneygeneral.gov)

BCC PAGE HAS BEEN REDACTED

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

**ENFORCEMENT ADDENDUM
HAS BEEN REDACTED – THREE PAGES**

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY
FOIA EXEMPT**

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

ATTACHMENT I

U.S. Environmental Protection Agency
Removal Action

Administrative Record
for the
Russell Stewart Drums Site
Claridon Township, Geauga County, OH

Original
July 2014
SEMS ID:

<u>NO.</u>	<u>SEMS ID</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	913813	4/24/14	Vandenberg, D., Microbac	Shane, S., OEPA	Laboratory Report L14040535	17
2	913814	4/29/14	Vandenberg, D., Microbac	Shane, S., OEPA	Laboratory Report L14040523	19
3	913815	4/30/14	Vandenberg, D., Microbac	Shane, S., OEPA	Laboratory Report L14040547	26
4	913816	5/2/14	Vandenberg, D., Microbac	Shane, S., OEPA	Laboratory Report L14040524	35
5	911208	5/30/14	Augustyn, J., U.S. EPA	Zingales, F., OEPA	Letter re: Request for Identification of ARARs	1
6	-	-	Augustyn, J., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum re: Request for a Time-Critical Removal Action at the Russell Stewart Drums Site (PENDING)	-

ATTACHMENT II

SITE PHOTO LOG

**RUSSELL STEWART DRUMS SITE
CLARIDON TOWNSHIP, OH**

JULY 2014



Site: Russell Stewart Drums Site

Photograph No.: 1

Direction: West

Subject: Drums staged on the Stewart property.

Date: 4/17/14

Photographer: J. Augustyn



Site: Russell Stewart Drums Site

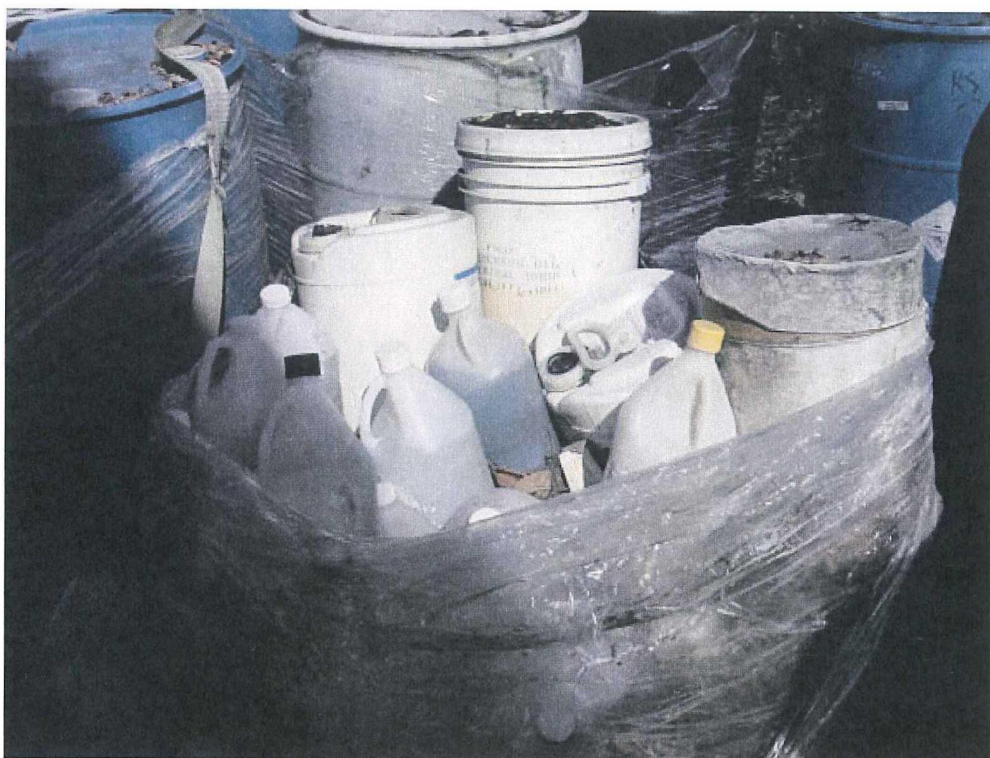
Photograph No.: 2

Direction: West

Subject: Plating waste in drums and totes.

Date: 4/17/14

Photographer: J. Augustyn



Site: Russell Stewart Drums Site

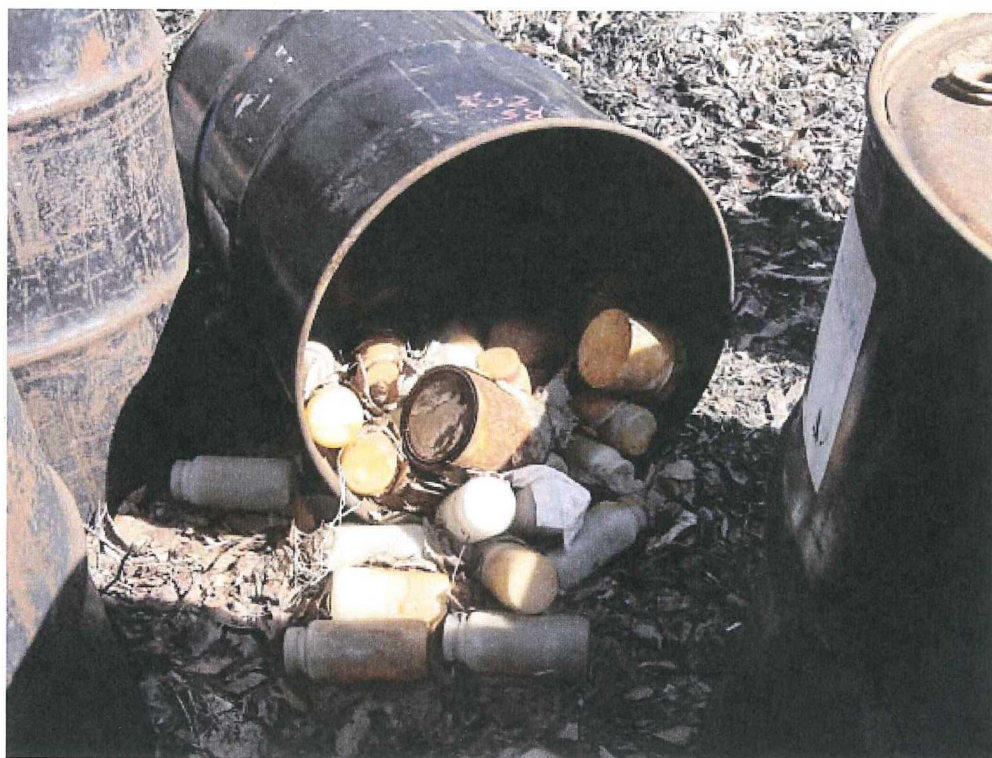
Photograph No.: 3

Direction: West

Subject: Small waste containers on Site.

Date: 4/17/14

Photographer: J. Augustyn



Site: Russell Stewart Drums Site

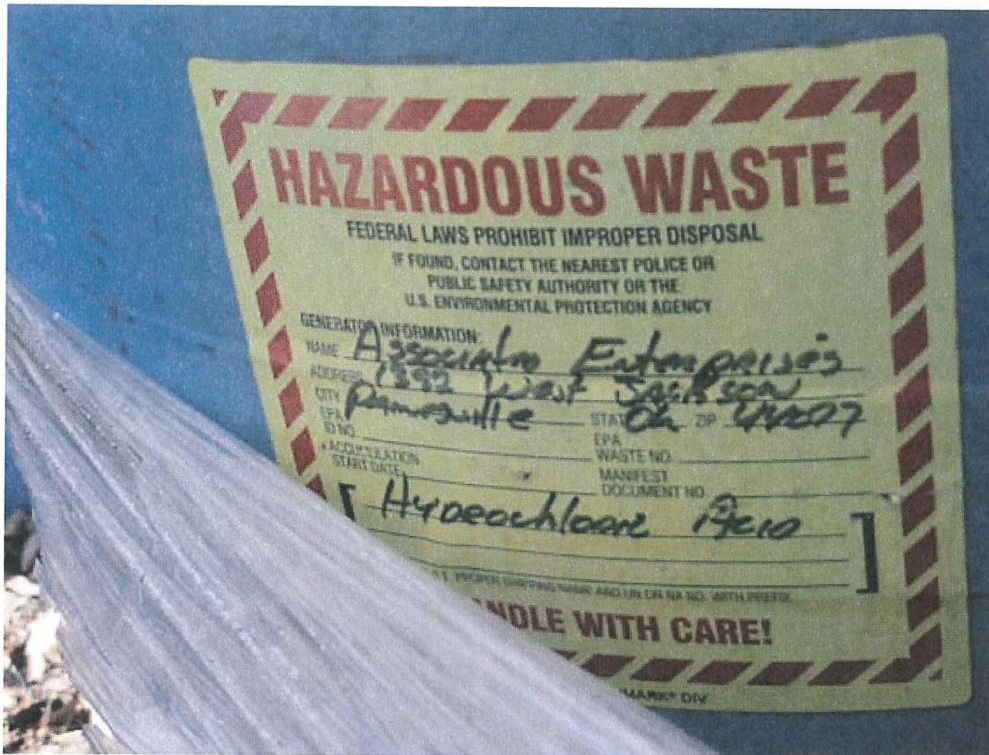
Photograph No.: 4

Direction: West

Subject: Lab-pack chemical waste.

Date: 4/17/14

Photographer: J. Augustyn



Site: Russell Stewart Drums Site

Photograph No.: 5

Direction: West

Subject: Hazardous waste label on drum.

Date: 4/17/14

Photographer: J. Augustyn



Site: Russell Stewart Drums Site

Photograph No.: 6

Direction: West

Subject: Drums with flammable waste labels.

Date: 4/17/14

Photographer: J. Augustyn

ATTACHMENT III

**DETAILED CLEANUP CONTRACTOR ESTIMATE
HAS BEEN REDACTED – ONE PAGE**

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

ATTACHMENT IV

**INDEPENDENT GOVERNMENT COST ESTIMATE
HAS BEEN REDACTED – THREE PAGES**

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**